

**Introduced by Senator Romero**

February 26, 2009

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An act to amend Section 313 of, and to add Section 60814 to, the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as introduced, Romero. Pupil testing: English language development test.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils upon initial enrollment in order to determine the level of proficiency of those pupils and thereafter to assess each of those pupils annually until the pupil is redesignated as English proficient. The assessment primarily consists of the administration of a specified English language development test that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking.

This bill would require the annual assessment to be conducted during a 3-month test period that commences on the day when 65% of the instructional year is completed. The bill would require the State Department of Education annually to release sample questions from the English language development for the purpose of instruction and to provide the score a pupil achieves on the English language development test to the parent or guardian of the pupil in English and, if available, in the language reported on the home language survey. The bill would require that the score be provided in a format that uses terminology that is easy to understand and includes an explanation of the purpose of the test, the pupil's score, and the intended use of that score by the school district.

The bill would state the intent of the Legislature to direct the department to explore cost saving measures regarding the administration of the California English language development test, including electronic test administration and procedures by which test booklets may be reused.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 313 of the Education Code is amended  
2 to read:

3 313. (a) Each school district that has one or more pupils who  
4 are English learners shall assess ~~each pupil's~~ *the* English language  
5 development *of each pupil* in order to determine the level of  
6 proficiency for the purposes of this chapter.

7 (b) ~~The State Department of Education~~ *department*, with the  
8 approval of the ~~State Board of Education~~ *state board*, shall  
9 establish procedures for conducting the assessment required  
10 pursuant to subdivision (a) and for the reclassification of a pupil  
11 from English learner to proficient in English.

12 (c) ~~Commencing with the 2000-01 school year, the~~ *The*  
13 assessment shall be conducted upon initial enrollment, and  
14 annually; thereafter, during a ~~period of time determined by the~~  
15 ~~Superintendent of Public Instruction and the State Board of~~  
16 ~~Education~~ *three-month testing period that shall commence on the*  
17 *day that 65 percent of the instructional year is completed.* The  
18 annual assessments shall continue until the pupil is redesignated  
19 as English proficient. The assessment ~~shall~~ *shall* primarily  
20 the English language development test identified or developed by  
21 the Superintendent of Public Instruction pursuant to Chapter 7  
22 (commencing with Section 60810) of Part 33. ~~Prior to completion~~  
23 ~~of the English language development test, a school district shall~~  
24 ~~use either an assessment instrument developed by the school district~~  
25 ~~or an assessment recommended by the State Department of~~  
26 ~~Education.~~ *The department shall provide the score a pupil achieves*  
27 *on the English language development test to the parent or guardian*  
28 *of the pupil in English and, if available, in the language reported*  
29 *on the home language survey. The score shall be provided in a*  
30 *format that uses terminology that is easy to understand and*  
31 *includes an explanation of the purpose of the test, the score the*

1 *pupil achieved, and the intended use of that score by the school*  
2 *district.*

3 (d) The reclassification procedures developed by the ~~State~~  
4 ~~Department of Education~~ *department* shall utilize multiple criteria  
5 in determining whether to reclassify a pupil as proficient in English,  
6 including, but not limited to, all of the following:

7 (1) Assessment of language proficiency using an objective  
8 assessment instrument, including, but not limited to, the English  
9 language development test pursuant to Section 60810.

10 (2) Teacher evaluation, including, but not limited to, a review  
11 of the pupil's curriculum mastery.

12 (3) Parental opinion and consultation.

13 (4) Comparison of the pupil's performance in basic skills against  
14 an empirically established range of performance in basic skills  
15 based upon the performance of English proficient pupils of the  
16 same age, that demonstrates whether the pupil is sufficiently  
17 proficient in English to participate effectively in a curriculum  
18 designed for pupils of the same age whose native language is  
19 English.

20 (e) It is the intent of the Legislature that ~~nothing in this section~~  
21 *this section does not* preclude a school district or county office of  
22 education from testing English language learners more than once  
23 in a school year if the school district or county office of education  
24 chooses to do so.

25 SEC. 2. Section 60814 is added to the Education Code, to read:

26 60814. The department annually shall release sample questions  
27 from the English language development test developed pursuant  
28 to Section 60810 for the purpose of instruction.

29 SEC. 3. It is the intent of the Legislature to direct the State  
30 Department of Education to explore cost saving measures regarding  
31 the administration, pursuant to Section 313 of the Education Code,  
32 of the English language development test. The measures shall  
33 include electronic test administration and procedures by which  
34 test booklets may be reused.